

No. 9/8/86-6Lab./1315.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Dabriwala Steel & Engineering Co. Ltd., Plot No. 136, Sector 24, Faridabad.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 145/1984

between

THE MANAGEMENT OF M/S DABRIWALA STEEL & ENGINEERING CO. LTD.,
PLOT NO. 136, SECTOR 24, FARIDABAD AND ITS WORKMEN

Present:

None.

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s Dabriwala Steel & Engineering Co. Ltd., Plot No. 136, Sector 24, Faridabad and its workmen, to this Tribunal, for adjudication:—

1. Whether the workmen are entitled to bonus at the rate of Rs.20 percent during the year 1982-83? If so, to what details?

2. Whether the workmen are entitled to L.T.A. at the rate of 200? If so, with what details?

Notices were issued to both the parties. On 7th January, 1986 none appeared on behalf of the workmen even though they were represented previously and as such *ex parte* proceedings were ordered against them. On the last date of hearing, none appeared on behalf of the Management even though they were represented previously, due to which they were proceeded against *ex parte*. It appears that both the parties are not interested in the reference. The award is passed accordingly.

Dated the 3rd February, 1986.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst No. 77, dated the 3rd February, 1986.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R.N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9/9/86-6Lab./1316.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Luthra Engineering Works, Delhi Road, Sonipat.

BEFOE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No 261/1983

between

THE MANAGEMENT OF M/S LUTHRA ENGINEERING WORKS, DELHI ROAD, SONEPAT
AND ITS WORKMEN

Present :—

Shri Hawa Singh, for the workmen.

Shri Surinder Kaushal, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the management of M/s Luthra Engineering Works, Delhi Road, Sonipat, and its workmen, to this Tribunal, for adjudication:—

Whether the attendance cards should be supplied to the workers? If so, with what details?

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2. Notices were issued to both the parties. In the claim statement, dated 28th August, 1984 it was alleged by the claimants that they should be supplied attendance cards by the Management and that according to the provisions of the Factories Act, all the workers were entitled to receive the said cards.

3. The Management in its written statement, dated 21st December, 1984 pleaded that they had employed only 13 workers and as such their unit was very small. It was further pleaded that the management could not afford to keep a clerk for making the entries in the attendance card and that if this procedure was adopted it would result in additional burden on the financial exchequer of the management. It was further pleaded that sufficient number of persons had not espoused the dispute.

4. The workmen in their rejoinder, dated 28th February, 1985 reiterated the pleas taken in the claim statement.

5. On the pleadings of the parties, the following issues were framed on 28th February, 1985 :—

- (1) Whether the attendance cards should be supplied to the workers as alleged ? OPA.
- (2) Whether the present dispute has been espoused by substantial number of workmen ? OPA.

6. It may be mentioned that the workers have examined one witness and the document Ex. W-1 has been tendered into evidence. The Management has examined one witness. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under :—

Issue No. 1 :

7. Shri Sarju Ram WW-1 who appeared on behalf of the claimant stated that he was working in the respondent factory for the last 8/9 years and that 15/16 workers were employed in the said factory. He further stated that previously attendance cards were being issued to the workmen but for the last 2/3 years, the Management was not issuing the same. He also stated that they demanded attendance cards from the Management, but the same were not supplied and that Ex. W-1 was the old attendance card, which was issued by the respondent company.

8. The Management has examined Shri Ashok Kumar, who stated that there were about 13 workers in the respondent Establishment and that no attendance cards were being issued to the workers nor the same were issued at any time. He further stated that the Management was prepared to issue takens and that the respondent concern was a small one and that by issuing attendance cards, they will have to bear the additional burden. He further stated that no clerk had been employed by them.

9. A perusal of the above evidence would show that according to WW-1 Shri Sarju Ram, the management was issuing attendance cards previously. The attendance card Ex. W-1 has been proved by this witness. MW-1 Shri Ashok Kumar stated in cross-examination that this card was not issued by them. This attendance card bears the stamp of respondent management and attendance of the concerned workman has been marked in this document and it is further mentioned that the said workman left the service on 24th March, 1983 and was paid his full and final account on 25th March, 1983. Consequently, the workman have been able to prove that they are entitled to issuance of attendance cards which were previously being issued to them by the management. The plea of the management that they will have to employ a clerk for this purpose and which would result in additional burden on their financial exchequer cannot be accepted because the managemsnt must supply the attendance cards to the workers. If the management does not want to employ any clerk for this purpose, this job can be entrusted to the supervisor, who has been engaged by the management because WW-1 Shri Sarju Ram stated that Shri Satish Kumar, Supervisor used to mark the attendance of the workers. Consequently, it is held that the attendance cards should be supplied to the workers. The issue is decided accordingly in favour of the claimants.

Issue No. 2 :

10. While discussing issue No. 1, it has come in evidence that at present 13 workers are being employed by the management. The demand has been raised by the General Secretary, CITU, Sonipat, and the demand notice was issued by 18 workers. Consequently, the dispute was espoused by a substantial number of workers. The issue is decided accordingly in favour of the workman.

11. In view of the above discussion, it is held that the workers should be supplied attendance cards by the management. The award is passed accordingly.

Dated the 3rd February, 1986

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 79, dated the 3rd February, 1986

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad,